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*Agency of Agriculture Food & Markets*

**Short Weight Violation Penalty Rate Formula for  
Counts Pursuant to 6 V.S.A. §15(b)  
November 6, 2013**

Penalty per Count based on **Frequency** of Violation: (First violation – RCAT)

First Penalty (second violation) for a particular store: \$500.00/count

Second Penalty for same store in three years.           \$1,000.00/count (maximum)

**Penalty Multiplier** for Egregious Violations to be applied regardless of Frequency of Violation:

5 or more lot violations per store inspection.           Add \$250/count

Definition of Violation: A violation shall be defined as an Inspection Lot that has failed as a whole based on the results of tests outlined in **NIST Handbook 133 Checking the Net Contents of Packaged Goods**.

**“An “inspection lot” (called a “lot”) in this handbook) is defined as a collection of identically labeled (except for quantity or identity in the case of random packages) packages available for inspection at one time. The collection of packages will pass or fail as a whole based on the results of tests on a sample drawn from the lot.” (NIST Handbook 133).**

Each defined lot in a retail establishment represents an individual violation and for penalty purposes shall be a “count”. Multiple counts can be derived from a single establishment if multiple lots of packages are found to fail the test procedures.

Revised and in effect for Violations found on or after November 6, 2013. MP

